

House File 372 - Introduced

HOUSE FILE 372
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 92)

A BILL FOR

1 An Act relating to court appointed special advocates and the
2 confidentiality of information regarding a child receiving
3 foster care.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 237.21, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. The information and records of or provided to a local
4 board, state board, or court appointed special advocate
5 regarding a child who is receiving foster care or who is under
6 the court's jurisdiction and the child's family when relating
7 to services provided or the foster care placement are not
8 public records pursuant to chapter 22. The state board and
9 local boards, with respect to hearings involving specific
10 children receiving foster care and the child's family, are not
11 subject to chapter 21.

12 Sec. 2. Section 237.21, Code 2015, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 2A. A court appointed special advocate may
15 attend family team decision-making meetings or youth transition
16 decision-making meetings upon request by the family or child
17 and disclose case-related observations and recommendations
18 relating to a child or a child's family while attending the
19 meetings.

20 NEW SUBSECTION. 2B. A court appointed special advocate
21 may disclose case-related observations and recommendations to
22 the agency assigned by the court to supervise the case, to the
23 county attorney, or to the child's legal representative or
24 guardian ad litem.

25 Sec. 3. Section 237.21, subsection 3, Code 2015, is amended
26 to read as follows:

27 3. Members of the state board and local boards, court
28 appointed special advocates, and the employees of the
29 department and the department of inspections and appeals are
30 subject to standards of confidentiality pursuant to sections
31 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and
32 600.16A. Members of the state and local boards, court appointed
33 special advocates, and employees of the department and the
34 department of inspections and appeals who disclose information
35 or records of the board or department, other than as provided

1 in ~~subsection 2~~ subsections 2, 2A, and 2B, sections 232.89 and
2 232.126, and section 237.20, subsection 2, are guilty of a
3 simple misdemeanor.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to court appointed special advocates and
8 the confidentiality of information regarding a child receiving
9 foster care.

10 The bill allows a court appointed special advocate to attend
11 family team decision-making meetings and youth transition
12 decision-making meetings.

13 The bill amends confidentiality provisions concerning
14 information and records relating to a child receiving foster
15 care and foster care placement. Under current law, the
16 information and records of or provided to a local citizen
17 foster care review board, the child advocacy board, or court
18 appointed special advocate regarding a child receiving foster
19 care and the child's family when relating to the foster care
20 placement are not public records. The bill specifies that
21 such confidential information and records include records of
22 other services provided to a child who is under the court's
23 jurisdiction.

24 The bill allows a court appointed special advocate to attend
25 family team decision-making meetings or youth transition
26 decision-making meetings upon request by the family or child
27 and disclose case-related observations and recommendations
28 relating to a child or a child's family while attending the
29 meetings.

30 The bill also allows a court appointed special advocate
31 to disclose case-related observations and recommendations to
32 the agency assigned by the court to supervise the case, to the
33 county attorney, or to the child's legal representative or
34 guardian ad litem.

35 The bill exempts members of the state child advocacy

1 board and local citizen foster care review boards, court
2 appointed special advocates, and employees of the departments
3 of human services and inspections and appeals from certain
4 confidentiality provisions if the disclosure of information
5 or records of the board or department are as provided under
6 the provisions of the bill, Code section 232.89 or 232.126
7 (appointments of counsel under juvenile justice Code), or
8 section 237.20, subsection 2 (court reports).